IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2492 OF 2005
in
APPEAL NO. 558 OF 2004
in
NOTICE OF MOTION NO. 3527 OF 2002
IN
SUIT NO. 4007 OF 2002

Credence Property Developers Pvt Ltd. .. Appellants

versus

Chauudhary Abdul Majid Shahadat
and others .. Respondents

And

Municipal Corporation of Greater
Mumbai ..Co-respondents

...

Mr.Yashodhan Divekar i/b Divekar & Co. for the appellant.

Mr.Snehal Shah a/w Mr.Jayesh Vyas for the respondent nos.5 to 10, 19, 20, 30, 31 and 37.

Mr.S.A. Divan i/b M/s.Thakore Jariwala & Associates for the respondent nos.1 to 4.

Mr.Jayesh Bhatt for the respondent nos.1 to 18.

CORAM : R.M. LODHA AND
D.G. KARNIK, JJ

DATED : 16th December 2005.

P.C.:

. After having heard the learned counsel for the

parties, we are of the view that the prayers made in this Notice of Motion do not deserve to be granted and the interest of justice shall be subserved if appeal is heard at an early date. In our view, the grant of the reliefs prayed for in the Notice of Motion may result in more complications.

2. We, accordingly, decline the prayers made in this Notice of Motion. However, taking overall facts and circumstances of the case. We direct office to post the appeal for final hearing in the week commencing from 27th February 2006.

3. Notice of Motion stands disposed of.

(R.M. LODHA, J)

(D.G. KARNIK, J)